UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,	)	
	)	
Plaintiffs	)	
	)	
v.	)	Civil Action No. 76-1326
	)	
JERRY WILSON, et al.,	)	
	)	
Defendants	)	

FILED
DEC 6 1982
JAMES F. DAVEY, Clerk

ORDER

Upon consideration of the plaintiffs' motion for a protective order and the defendants' opposition thereto, it is this 6th day of ~~Dec~~ December, 1982, hereby ordered that:

1. Plaintiffs' motion is granted and
2. There shall be no further discovery on the issue of plaintiffs' attorneys fees without a specific order of the Court.

Louis F. Oberdorfer

JUDGE U.S. DISTRICT COURT

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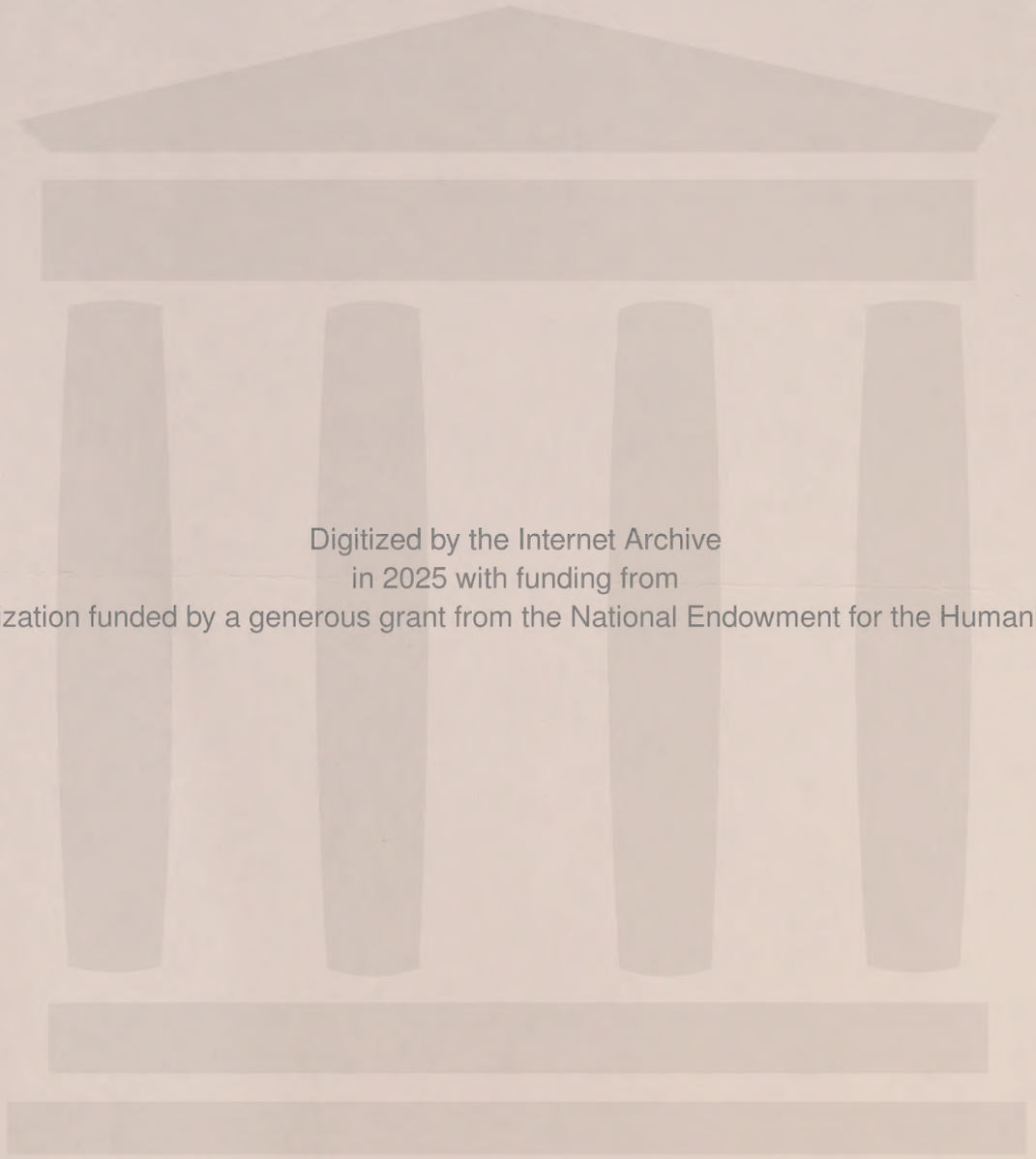

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UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,)
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Plaintiffs,)
) Civil Action No. 76-1326
v.)
)
JERRY WILSON, et al.,)
)
Defendants.)

FILED
DEC 6 1982
JAMES F. DAVEY, Clerk

ORDER

This cause having come before the Court on motion by federal defendants for an enlargement of time to and including December 6, 1982, in which to file an additional response to plaintiffs' application for attorneys' fees, and the Court being fully advised in the premises, it is this 6th day of December, 1982,

ORDERED that the federal defendants shall have to and including December 6, 1982, within which to submit an additional memorandum in opposition to plaintiffs' application for attorneys' fees.

Louis F. Oberdorfer
UNITED STATES DISTRICT JUDGE

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	)	
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MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF PLAINTIFFS' MOTION FOR
A PROTECTIVE ORDER

The plaintiffs seek a protective order under Fed.R.Civ.P.26(c) against any further discovery on the issue of attorneys' fees on the grounds that the defendants' interrogatories are too late, are unduly burdensome, and at least in part appear to be designed primarily to annoy and harass rather than to seek any relevant information. Despite this, plaintiffs simply as a gesture of good will and in the hope of curtailing further litigation on the issue of attorneys' fees have answered the majority of interrogatories submitted. This motion, which is being filed contemporaneously with the answers and objections to the interrogatories, addresses only those few questions or parts of questions to which objections were filed.

I

PLAINTIFFS OBJECT TO THE FBI DEFENDANTS'
INTERROGATORIES ON ATTORNEYS' FEES ON THE
GROUND THAT THEY WERE FILED TOO LATE

Plaintiffs filed their original application for attorneys' fees under Civil Rights Attorneys' Fees Awards Act of 1976, 42 U.S.C. §1988, on January 4, 1981. That original application contained time records listing work performed by date for every attorney seeking fees. The defendants both federal and District of Columbia, responded to that application after requesting and receiving two extensions with only the most general objections, arguing for example that the plaintiffs were not entitled to fees at all because they were not prevailing parties.

On March 14, 1982, the Court ordered that it would address the issue of fees in two stages: first it would decide if fees should be awarded and in what amount and then it would determine how fees should be apportioned among the defendants.

On July 27, 1982, the Court directed the plaintiffs to resubmit a detailed fees application taking into account certain new rules set forth by the Court of Appeals for §1988 attorneys fees cases. See eg. National Association of Concerned Veterans v. Secy. of Defense, 675 F. 2d 1319 (D.C. Cir. 1982). The plaintiffs did so on September 1, 1982. The defendants had until September 17, 1982, to respond to the revised fees application. Both federal and D.C. defendants requested extensions of time. The Court awarded the D.C. defendants an extension until September 27, 1982, and the federal defendants until September 28, 1982.

The District defendants filed their final opposition to fees but the federal defendants did not seeking still yet another extension -- this one until October 4, 1982. Although the Court did not grant this last extension, the federal defendants filed their opposition on October 8, 1982. With it they submitted over thirty detailed interrogatories which, for the first time in the nine months the attorneys fees issue has been before the Court, call for vouchers, time slips, telephone bills and other assorted raw documentation as well as raising a myriad of questions about how the detailed time sheets attached to the original January 4, 1982, submission were developed.

The plaintiffs have no objection to responding to ligitimate and focused questions about how the attorneys on this case spent their time but they object strongly to the federal defendants' attempt to begin extensive discovery at the twelth hour.

This circuit's recent decision on attorneys fees, National Assoc. of Concerned Veterans v. Secy. of Defense, 675 F. 2d 1319 (D.C. Cir. 1982) governs. In that case, the Court of Appeals instructed that "contests over fees should not be permitted to evolve into exhaustive trial-type proceedings." Id. at 1324. Where the fees application is adequately documented, and defendants have made no claim here that there is not adequate documentation, the District Court has authority to deny any discovery requests that are not "sharply focused" and "promptly advanced before final opposition papers are filed." The plaintiffs are "entitled to have discovery demands in clear outline at an early stage after the fee application is filed." Id. at 1329. That was clearly not done in this case where the federal defendants waited nine months before making their discovery requests.

Despite the lateness of the defendants' requests for discovery, the plaintiffs have responded to them where the information sought was arguably relevant and where counsel could do so without having to spend an unreasonable amount of time. Concerned Veterans instructs that opposing parties are entitled "as a matter of right" to the justification behind the claimed billing rate and the extent of work done by counsel seeking fees. "Hourly time charges" should be made available "automatically". Id. at 1329.

While it is the plaintiffs' position that this admonition is met by providing, as was done here, detailed time sheets for each counsel as well as supporting affidavits on billing rates, in the interests of avoiding any further delay in reaching the merits of the fees issues, the plaintiffs have voluntarily supplied counsel for the federal defendants with a copy of all their original time sheets. He is free to copy it and supply it to the D.C. defendants. Plaintiffs object, however, to any formal discovery seeking back-up documentation for the already detailed time records in their application at least absent a showing that there is some irregularity or serious question about the time shown.

II

OBJECTIONS TO SPECIFIC INTERROGATORIES ON ADDITIONAL GROUNDS OF RELEVANCY OR UNDUE BURDEN

In addition to being late and overbroad, the federal defendants' discovery requests are additionally objectionable on the grounds of relevancy and undue burden as discussed below.

QUESTION ONE: Defendants seek the original time slips, calenders or personal notes from each attorney seeking fees. Since the basis for the time claimed has been clearly documented in the application by noting a date, time and activity minute by minute for every hour, this request for raw material is unduly burdensome especially in view of the fact there has been no showing of any need to go behind the information already on file as part of the fees application.

QUESTION ELEVEN: Again, defendants seek raw back-up material without showing any need for it. Plaintiffs submit that the activity of law students in handling the technical and logistical aspects of court-ordered tape recorded depositions is compensable as attorney and law student time and hence the defendants' requests to separate out such time as "administrative tasks"

is irrelevant since it is compensable even if "administrative". Many of the tasks performed by lawyers and law students working on a case could be called "administrative" but they are necessary to case management. In addition to being irrelevant, the question seeks information already provided in as much detail as plaintiffs have in the law students' time records already filed in this application.

QUESTION TWELVE AND QUESTION THIRTEEN: The defendants ask which attorneys reviewed the fee application and does not appear in any respect relevant to the issue of whether or how much plaintiffs counsel should be paid. Instead the question again goes behind the affidavits already on file and in effect challanges their bona fides. Who talked to whom in preparing the plaintiffs' fee applications is quite simply irrelevant.

QUESTIONS ONE, TWO, THREE ON DAVID REIN: The defendants ask who is administering the estate of David Rein and what arrangements have been made to pay his estate. This issue, which concerns the private affairs of Mrs. Selma Rein, Mr. Rein's widow, his law partners and the plaintiffs is not a proper or relevant subject for discovery by an adverse party, absent some suggestion that Mr. Rein's surviving co-counsel were apt to abscond with his share of attorneys fees.

QUESTION FIVE ON LAW STUDENTS: The defendants seek the current address of each law student who worked on this case. Absent a showing of a need to take discovery from these students, there is no conceivable reason why defendants need the students' addresses and the plaintiffs therefore object on the grounds of relevancy.

QUESTION FIVE (4) ON JURY PROJECT: This question seeks the contents of a study of attitudes the Jury Project conducted. The actual contents of the study cannot be relevant to the issue of whether the defendants should pay for this service. The Project, as explained in the answers to question 5, was a service the plaintiffs paid for to help them in picking a jury. Whether it was worth the money or not is beside the point as long as it seemed a reasonable expense at the time. In the opinion of plaintiffs' counsel, it was helpful to have the advice of persons experienced in predicting attitudes towards civil liberties issues on the basis of characteristics such as age, race, sex, employment and this was what the study did.

Further, the plaintiffs object to producing the study itself on the basis that this study, used by counsel in picking jurors, is attorney work-product and therefore privileged.

CONCLUSION

Based on the foregoing reasons, the plaintiffs ask the Court to enter a protective order against any discovery beyond that already given defendants' interrogatories filed herewith.

OF COUNSEL:

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Union Fund
301 Pennsylvania Ave., S.E.
Washington, D.C.

Anne Pilsbury
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Norway, Maine 04268
(207) 743-5583

Herb Semmel (AP)
Herb Semmel
Urban Law Institute of the
Antioch School of Law
1626 Crescent Pl. N.W.
Washington, D.C. 20009
(202) 265-9500

CERTIFICATE OF SERVICE

I hereby certify that I have mailed this 2nd day of November, 1982 a copy of the foregoing PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER, ORDER and MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT to David H. White, Esq., Civil Division, Dept. of Justice, 10th & Penna. Ave. N.W. , Washington, D.C. 20530 and to Roberta L. Gross, Esq., Office of Corporation Counsel, District Building, 14th & E Sts. N.W., Washington, D.C. 20004.

Anne Pilsbury
ANNE PILSBURY

UNITED STATES DISTRICT COURT
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	)	
Defendants	)	

PLAINTIFFS' MOTION FOR
A PROTECTIVE ORDER

The plaintiffs hereby move the Court pursuant to Fed. R. Civ. P. 26 (c) for a protective order stating that plaintiffs are not required to respond further to the interrogatories submitted by the federal defendants on the issue of attorneys fees.

As grounds for their motion, the plaintiffs refer to their accompanying memorandum of points and authorities.

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OF COUNSEL:

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301 Pennsylvania Ave., S.E.
Washington, D.C.
20003

UNITED STATES DISTRICT COURT
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Defendants	)	

ORDER

Upon consideration of the plaintiffs' motion for a protective order and the defendants' opposition thereto, it is this day of , 1982, hereby ordered that:

1. Plaintiffs' motion is granted and
2. There shall be no further discovery on the issue of plaintiffs' attorneys fees without a specific order of the Court.

JUDGE U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
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Defendants	)	
	)	
	)	

PLAINTIFFS' ANSWERS AND OBJECTIONS TO
FEDERAL DEFENDANTS' REQUESTS FOR
PRODUCTION OF DOCUMENTS AND INTERROGATORIES

Plaintiffs, through counsel, respond as follows pursuant to Fed.R.Civ.P.26(c), 33, and 34 to the interrogatories and requests for production of documents submitted by the federal defendants:

I. General Discovery

QUESTION 1. Please produce all time records of each person whose work is included in the application for attorney fees. For each person for whom no contemporaneous time records exist, please describe in detail the information upon which the time claimed in the application is based, including the names of each person consulted, and produce all records or papers supporting the statement of time claimed in the application.

RESPONSE: The plaintiffs will voluntarily make available to counsel for the FBI defendants copies of all time slips or other notations that are available. The plaintiffs do not have original time slips for the late David Rein or for Ralph Temple.

The plaintiffs OBJECT to answering further on the grounds stated in their motion for a protective order and on the additional ground that to copy for filing purposes all the time slips involved here would be unduly burdensome.

QUESTION 2. For each person for whom fees are sought in the attorney fee application please state

(a) whether such person was paid for the work listed in the application and, if so, the amount of the payment;

(b) whether, with regard to each person to whom no payment has been made, any arrangement or agreement has been entered into for payment from any award of attorney fees and, if so, the terms of such arrangement or agreement.

RESPONSE: None of the attorneys or law students who worked on this case has received any payment. The only agreement in regard to payment is that an application for payment will be made to the Court under the Civil Rights Attorneys fees Awards Act, 42 U.S.C.§1988,

and each attorney or law student will receive whatever fees the Court awards him or her, (with the exception of the Antioch Law School students. See response to Question No. 3, Part IV).

QUESTION 3. If there is any person for whom attorney fees are sought but has not been paid and who has not entered into an agreement or arrangement for payment from any award of attorney fees, please state:

(a) the name and address of each such person;

(b) the manner in which, and the person to whom, any award of fees based on such persons work will be distributed;

(c) the name and address of the persons who were or will be involved in determining how and to whom any award of attorney fees will be distributed.

RESPONSE: Not applicable.

QUESTION 4. Please state whether attorneys Schember, McNeil, and Pilsbury excluded from their application for attorney fees the time spent on behalf of plaintiffs Julius Hobson, Emergency Committee on the Transportation Crisis, or Washington Area Women Strike for Peace. If so, with respect to each attorney, please set forth the date, activity, and time spent that was not included in the application for attorney fees.

RESPONSE: No time was deducted for work done on behalf of plaintiffs Julius Hobson and Emergency Committee on the Transportation Crisis because: a) such time was inseparable from time spent on the other plaintiffs as for eg. in submitting interrogatories on behalf of all plaintiffs; b) review of FBI files on ECTC and Julius Hobson was of material help in presenting the case of plaintiffs Tina Hobson, Sammie Abbott and Reginald Booker; and c) the amount of time spent on ECTC or Julius Hobson's cases alone would to the best of counsels' belief be de minimus.

All time spent on preparation of the case of Women Strike for Peace that was separable from the cases of the other plaintiffs was deducted. A list of work done on behalf of plaintiff WSP by attorneys Schember, Mc Neil and Pilsbury which was either not included in the

original submission for fees or deducted in the final submission follows:

ATTORNEY	DATE	ACTIVITY	TIME
Schember	11/18/80	TC w/Villastrego	.2
	6/18/79	Draft memo	.3
	5/23/79	TC re: proof of existence	.2
	2/22/79	Prepare WSP interrogatories	1.5
	2/9/79	TC Villastrego re: interrog.	.2
	12/19/78	Prepare Villastrego deposition	1.5
	12/14/78	Arrange deposition	.2
	11/16/78	letter to Hoffman re: WSP files	.2
	11/14/78	Review WSP FBI files	2.2
	12/1/81	Trial	1.1
McNeil	7/13/81	Discovery conf. re: WSP	1.3
	11/28/81	Prepare witnesses	2.0
	11/29/81	Prepare for trial	4.0
	12/1/81	Trial	2.0
Pilsbury	12/1/81	Trial	1.1

QUESTION 5. Please state whether attorneys Schember, McNeil, and Pilsbury excluded from their application for attorney fees the time spent in prosecuting this civil action against

(a) William C. Sullivan
(b) John R. Palmer
(c) Forrest F. Burgess
(d) William G. Courtney
(e) Nick Stames
(f) John McDermott
(g) C. Edwin Glass
(h) Wilfred Schlarman
(i) Robert Kunkel
(j) Terry O'Connor
(k) Charles Sawyer
(l) Robert Yates
(m) Robert Feuer
(n) David Rarity
(o) Peter Gulotta, Jr.
(p) Joseph Heller
(q) Hilmer Krebs
(r) Paul Lamberth
(s) Robert Olmert
(t) Edward Rudiger
(u) John Stanley
(v) Edwin Waite
(w) Clarence Kelley
(x) John B. Layton
(y) Robert L. Zink
(z) Albert W. Ferguson
(aa) Theodore R. Zanders
(bb) Dixie Gildon
(cc) Carl Shoffler
(dd) James Binstead
(ee) Dorie Binstead
(ff) Thomas Fulcher
(gg) Roger O. Day
(hh) Harold Bynum
(ii) Ann Kolego Markovich

If so, please state with respect to each attorney the date, activity, and time spent which was not included in the application for attorney fees.

RESPONSE: No.

QUESTION 6. Please state whether attorneys Schember, McNeil, and Pilsbury excluded from their application for attorney fees the time spent by each of them in connection with (a) the formal claims of state secret and informant privilege by the Secretary of the Army, the Director of Central Intelligence, and the Attorney General; (b) plaintiffs' motions to compel answers to the Second and Fourth sets of Interrogatories; and (c) plaintiffs' motion filed on April 30, 1980, to amend the complaint. If so, please state with respect to each attorney the date, activity, and time spent which was not included in the application for attorneys fees.

RESPONSE: No.

QUESTION 7. Please state whether the time spent by each attorney and law student, other than attorneys Schember, McNeil, and Pilsbury, on behalf of plaintiff Julius Hobson, Emergency Committee on the Transportation Crisis, or Washington Area Women Strike for Peace has been excluded from the application for attorneys fees. If so, please state with respect to each attorney and law student the date, activity, and time spent that was not included in the application for attorney fees.

RESPONSE: Yes as to Women Strike for Peace; no as to other parties. A list of work done by other attorneys which is not included in the fees application follows:

Kathryn Marks

3/1/78	Prep. materials for WSP	.4
5/13/78	Review WSP FBI file	54.5
6/13/78		
6/14/78	Review remainder WSP file	1.0
6/14/78	Draft WSP memo	1.5
6/22/78	TC w/Edith Villastrego	.1
6/27/78	TC w/Edith Villastrego	.2
7/10/78	TC w/WSP member re: files	.2
7/12/78	TC w/WSP member re: files	.1
7/17/78	TC w/Edith Villastrego	.1
9/11/78	Review WSP file	1.5

9/19/78	Review & draft report on WSP file	3.0
9/20/78	Draft WSP report	1.0
9/21/78	" " "	5.5
9/26/78	Conf. re: WSP	.2
10/9/78	Research/Draft WSP memo	7.0
10/10/78	Memo on WSP Deletions in file	6.5
10/12/78	Research/Draft WSP report	11.5
10/13/78	Correct WSP report	.5
11/2/78	Other WSP files	.3
12/1/78	TC w/Villastrego	.1
12/2/78	Review WSP rep. sample	2.5
12/4/78	Conf. w/Villastrego re: other files	2.0
12/7/78	TC w/Villastrego re: deposition	.3
12/13/78	Conf. w/WSP staff re: file	.1
12/19/78	Conf. w/WSP re: deposition	3.5
12/28/78	Conf. w/Villastrego & Bich	.1
12/29/78	TC re: deposition	.1
1/2/79	TC re: deposition	.1
1/3/79	Attempt to reach Bich	.1
1/4/79	TC w/Bich	.1
1/4/79	TC re: Villastrego depo.	.1
1/5/79	Conf. w/Bich re: looking at files	2.0
1/8/79	Mtg. w/co-counsel on WSP	.2
1/8/79	Conf. w/staff re: status of work	.1
1/8/79	TC w/Newell	.2
1/8/79	Reeverts affidavit	.2
1/10/79	Review of WSP files	2.5
1/15/79	Re: WSP affidavit	.3
1/18/79	" " "	.1
2/8/79	Try to find CIA material on WSP	.1
12/18/80	Conf. w/Swerdlow re: WSP	.3
11/18/81	Final review for charts	.5
		3.5

James Klimaski

12/7/77	Review WSP files	4.0
12/15/77	"	3.0
12/18/77	"	3.0
1/11/78	"	4.0
1/16/78	"	4.0

QUESTION 8. Please state whether the time spent by each attorney and law student, other than attorneys Schember, McNeil, and Pilsbury, in prosecuting the action as against each of the 35 defendants listed in interrogatory no. 5, supra, has been excluded from the application for attorney fees. If so, please state with respect to each attorney and law student the date, activity, and time spent that was not included in the application for attorneys fees.

RESPONSE: No.

QUESTION 9. Please state whether unproductive time, as that term is used by attorney Daniel Schember in his declaration of August 26, 1982, has been excluded from the application for attorney fees. If so, please state with respect to each attorney the date, activity, and time spent that was not included in the application for attorney fees.

RESPONSE: Yes. Since only productive time is recorded on time records, no record is made when time is unproductive and counsel is unable to recall the dates on which such time was spent.

QUESTION 10. Please state whether the application for attorney fees excludes "duplicative time," such as the time expended in briefing counsel who assisted in preparation of papers or review of papers while principal counsel were otherwise occupied or the time of additional counsel and law students at depositions, hearings, interviews, meetings, or trial. If so, please state with respect to each attorney and law student the date, activity, and time that was not included in the application for attorney fees.

RESPONSE: Such time was included only when in the judgment of counsel it was necessary to have more than one person involved in the activity at issue. Generally, counsel in this case did different things. Each time a new attorney began to work on the case, he or she had to be briefed about the case or issue he was to work on and would have to become familar with a portion of the pleadings. Based on counsels' information and belief, such "briefing sessions" constitute no more than fifteen hours over the whole life of the lawsuit and were necessary. Counsel cannot recall dates, activities and times that were not included because they were duplicative.

QUESTION 11. (a) Please state whether the application for attorneys fees excludes time spent by attorneys and law students that did not involve the rendition of professional legal services, such as proofreading deposition transcripts, recording duplicate tapes, setting up chairs, tables, and equipment for depositions, discussions with newspaper reporters, carrying documents to the clerk's office, indexing depositions, organizing files, and other administrative tasks.

(b) Please state whether such time as spent in the above described activities was included within the application for attorney fees. If so, please state with respect to each attorney and law student the date, activity and time spent that was so included in the aplication.

RESPONSE: Time spent on "administrative tasks" as described in Question 11 was included where such tasks had to be performed by attorneys or law students.

OBJECTION: Plaintiffs object to setting forth such time by date, activity and time on the ground that this information is already set forth in the attorney and law student time sheets attached to the original application and to require counsel to recapitulate this information is unduly burdensome and irrelevant.

QUESTION 12. Please state the name of each attorney and law student who did not examine the application made in his or her behalf prior to January 4, 1982, and state the reasons for each that such examination did not occur.

RESPONSE: The application filed on January 4, 1982, was based directly on time records and letters from the attorneys and law students involved; hence, each person knew what his/her submission was (with the obvious exception of the late David Rein). To the extent the question is directed at the finished pleading itself, plaintiffs OBJECT on the grounds that it is irrelevant to any issue before the Court.

QUESTION 13. Please state the name of each attorney and law student who did not examine the application made in his or her behalf between January 4 and September 3, 1982, and state the reasons for each that such examination did not occur.

RESPONSE: The changes made in the application between January 4, 1982, and September 3, 1982, were made in consultation with plaintiffs' counsel, Anne Pilsbury, Herb Semmel and Daniel Schember. Mr. Schember reviewed the application on behalf of all members of his firm and Mr. Simmel reviewed it for Antioch Law School.

OBJECT: To the extent the question calls for any further response, plaintiffs object on the grounds of irrelevancy.

II. David Rein

QUESTION 1. Please state the name and address of the executor or administrator of David Rein's estate.

QUESTION 2. Please state whether any arrangements and agreements have been made with Mr. Rein's estate, heirs, survivors, former law partners, or anyone else, regarding the distribution of any attorneys fees recovered in this action on behalf of Mr. Rein, and, if so, describe those arrangements and agreements and state the names of those persons involved in making such arrangements and agreements.

QUESTION 3. If not included within the response to interrogatory no. 2, please state to whom the attorney fees recovered on Mr. Rein's behalf will be distributed, and in what proportion or amount the distribution will be made.

OBJECTION: Plaintiffs object to all three questions relating to Attorney David Rein on the grounds that they are irrelevant to any issue before the Court.

III. Ralph Temple

QUESTION 1. Please describe the nature of Ralph Temple's activities with regard to the prosecution of this action.

RESPONSE: Mr. Temple was originally contacted by Tina and Julius Hobson to initiate this action. He and Mr. Rein worked together in determining whether grounds for suit existed for the Hobsons and subsequently the other plaintiffs. Mr. Temple participated actively in the initial planning and drafting of pleadings. As the case went on, he served as a major resource because of his vast experience in civil rights litigation. He reviewed major pleadings and participated in most if not all major strategy sessions.

QUESTION 2. Please describe all agreements or arrangements between Ralph Temple and plaintiffs or their counsel regarding payment for his services including any agreements as to whether payment would depend on plaintiffs' success or failure in this action.

RESPONSE: The agreement vis a vis Mr. Temple is the same as for all counsel: no fee will be charged and none received except insofar as the Court awards fees under 42 U.S.C. §1988. The award of fees obviously depends on the success of the action, as it does for all counsel.

QUESTION 3. Please state whether Mr. Temple was consulted with respect to the averments made by J.E. McNeil in her declaration of January 4, 1982, and, if so, when such consultation occurred, who participated, and whether any agreements were made as to the rate and hours that would be claimed and the amount that would be paid to Mr. Temple if attorney fees were recovered.

RESPONSE: Yes, he was consulted by J.E. McNeil by telephone while the original application was being prepared and he authorized her to list his time at the rate requested.

QUESTION 4. Please provide all notes, correspondence, and other documents upon which the calculation of hours and fees for Mr. Temple is based.

RESPONSE: No such documents exist.

IV. Law Students

QUESTION 1. Please state whether the law students for whom fees were claimed paid tuition to participate in the clinical program and whether they received academic credit for the work done on this civil action.

RESPONSE: The law students paid tuition to attend Antioch Law School of which the clinical program is a part. They received academic

credit for their work in the clinical program and work on this case was a part of their clinical program.

QUESTION 2. Please state whether they have received payment for any portion of the time spent on this civil action and, if so, the rate per hour and total payment to each law student.

RESPONSE: No.

QUESTION 3. Please state whether each law student was advised that attorney fees would be sought for the time spent on this civil action, and whether any agreements were made as to the amounts or rates of fees which each law student would receive if attorneys fees were recovered. Please describe each such agreement in detail.

RESPONSE: Students are told that if fees are awarded for their work, the fees will go to Antioch Law School. Counsel have no recollection as to whether each student who worked on this case was personally told fees would be sought but on information and belief believe that since the students are generally familar with the Civil Rights Fees Awards Act, that they knew fees would be sought.

QUESTION 4. If not included in the preceding responses, please state to whom and in what amounts the attorney fees recovered on behalf of the law students will be distributed.

RESPONSE: See above response to Question 3.

QUESTION 5. Please state the present address of each law student.

RESPONSE: OBJECTION. Irrelevant.

V. Claims for Expenses

QUESTION 1. With respect to the claims for "Attorney Travel," please provide all documents pertaining to travel expenses, including receipts, time records, ticket stubs, and any other documents upon which the claim is based. In addition, please state:

(a) the date and time of travel;

(b) itemization of expenses included in the claim, including transportation, lodging, meals, and other expenses;

(c) the purpose of travel, including identity of each plaintiff and defendant affected by the purpose for travel.

RESPONSE:

(a) September 16 - 19, 1982: Pilsbury trip to Nova Scotia. May 20, 1981, and May 30, 1981: Pilsbury trip to D.C. for depositions.

(b) No meals or lodging or other expenses are included except for two overnight motel room charges on the trip to Nova Scotia: one for $25.00 and one for $23.00.

(c) Nova Scotia trip: to interview former FBI agent Robert Wall, obtain an affidavit for use to defend against defendants' motions for judgment on the pleadings or summary judgment and to try to persuade Wall to testify at the trial.

Washington, D.C. trip: to take depositions of certain D.C. defendants or parties.

QUESTION 2. (a) With respect to the investigator expenses please state:

(1) the name of each investigator

(2) the qualifications of the investigator, including licenses, education, training, and experience, to carry out the investigative functions;

(3) whether each investigator has received payment for services claimed in the application and, if so, the amount paid;

(4) whether the amount claimed in the pending application is greater than the amount paid to the investigator and, if so, how the difference will be distributed.

RESPONSE: (a) (1) Brint Dillingham

(2) Mr. Dillingham is a licensed private investigator working in Maryland and Washington, D.C. OBJECT to the balance of the question on the grounds of relevancy.

(3) Yes: $3,216.25.

(4) No.

QUESTION (b) With respect to the investigator expenses, please provide:

(1) the time records kept by each investigator;

(2) the bills, vouchers, or other documents requesting payment, and the documents indicating that payment was made;

(3) the agreement between each investigator and plaintiffs or their counsel regarding duties, assignments, fees, reimbursement, and method of payment. If there is no written agreement, please describe in detail the oral agreement or arrangement.

RESPONSE: (b) (1) See attached.

(2) See attached.

(3) The investigator was paid as he worked at an orally agreed on fee of $25.00/hour. His duties were as assigned by counsel and generally included interviewing potential witnesses, following up leads, trying to locate missing witnesses, serving subpoenas.

QUESTION 3. With respect to the claim for $50.00 to "Reimburse Travel," please provide all documents pertaining to the travel expenses, including receipts, time records, ticket stubs, and any other documents upon which the claim is based, In addition, please state:

(a) the identity of each traveler;

(b) date, time and place of travel;

(c) purpose of travel, including name of each plaintiff and defendant affected by that purpose.

RESPONSE: See attached handwritten voucher from Brint Dillingham. See plaintiffs' bill of costs for a list of persons subpoenaed. This item was for travel costs to serve trial subpoenas and thus affected all parties.

QUESTION 4. With respect to the claim for $130.00 to "Reimburse Long Distance Phone," please provide all telephone bills and other documentation upon which the claim is based. In addition, please state:

(a) the names of the parties to each conversation;

(b) date and time of each call, if not reflected in documents provided;

(c) the purpose of each conversation, including the name of each plaintiff and defendant affected by that purpose.

RESPONSE: The information is documented in the bills from Brint Dillingham supplied in answer to Interrogatory 2 (b) above. Plaintiffs OBJECT to responding further on the grounds of relevancy and undue burden.

QUESTION 5. (a) With respect to the Jury Project Consultation, please provide:

(1) All time records of Rick Seltzer and Margie Fargo;

(2) the protocol for any research or study, or, if not written, please describe the protocol in detail;

(3) all agreements between Seltzer and Fargo and plaintiffs or their counsel regarding duties, fees, and method of payment, or, if not written, please describe in detail the oral agreement or arrangement;

(4) all reports or results of the jury probject provided to plaintiff or their counsel, or, if not written, please describe any oral report or results in detail.

RESPONSE: (1) The only documentation available to plaintiffs is that accompanying the jury projects' bill which is attached.

(2) The plaintiffs do not have the written protocol but on information and belief understand the study to have been of a randomly selected cross-section of Washington, D.C. residents.

(3) The project had in the last year or two done a survey of attitudes of Washington, D.C. residents on civil liberties issues and Seltzer and Fargo made that information available to counsel and discussed it with them. They also agreed to help with the actual selection of the jury and did so. It was agreed that they would bill at their normal hourly rate for this service.

(4) OBJECT on the grounds of relevancy and also that the response calls for attorney work-product.

QUESTION (b) With respect to the Jury Work Project Consultation, please state:

(1) whether Seltzer, Fargo, or anyone else interviewed citizens or residents of the District of Columbia and, if so, the nature of the questions asked;

(2) a complete description of what the interviewers disclosed to the interviewees regarding the case of Julius Hobson, et al. v. Jerry Wilson, et al., and whether any attempt was made not to interview potential or actual jurors or the friends, neighbors, and relatives of potential or actual jurors;

(3) the method by which the persons to be interviewed were selected;

(4) the dates on which the interviews occurred;

(5) whether the information obtained was published or submitted to any publication to be published, the name of the publication, and whether any payment was offered or received for publishing the information.

RESPONSE: (5) (1) Yes, in a general study to determine correlation between such things as age, sex, race, income and attitudes toward civil liberties issues (eg. death penalty, freedom of speech for communists, etc.). OBJECT to answering further on the grounds that the answer calls for attorney work product and is not relevant to the issue before the Court.

(2) Nothing. No attempt was made to interview potential or actual jurors or associates thereof. The study was done long before trial.

(3) Random selection.

(4) Between February 23, 1981 and March 9, 1981.

(5) The study has been submitted for publication but has not been accepted. No fee for publication has been received.

STATE OF MAINE
OXFORD, SS.

I have read the forgoing answers to the interrogatories and they are true and correct to the best of my knowledge and belief.

NOTARY PUBLIC

ANNE PILSBURY

My commission expires 8/25/85

OF COUNSEL:

Arthur Spitzer
American Civil Liberties
Union Fund
301 Pennsylvania Ave., S.E.
Washington, D.C.

Anne Pilsbury
17 Danforth Street
Norway, Maine 04268
(207) 743-5583

Herb Semmel (AP)
Herb Semmel
Urban Law Institute of the
Antioch School of Law
1626 Crescent Pl. N.W.
Washington, D.C. 20009
(202) 265-9500

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a copy of the foregoing PLAINTIFFS' ANSWERS AND OBJECTIONS TO FEDERAL DEFENDANTS' REQUESTS FOR PRODUCTION OF DOCUMENTS AND INTERROGATORIES to David H. White, Esq., Dept. of Justice, 10th & Penna. Ave. N.W., Wash. D.C. 20530 and to Roberta L. Gross, Esq., Asst. Corporation Counsel, District Bldg., Washington, D.C. 20004 this 22nd day of November, 1982.

Anne Pilsbury

November 2, 1982

David H. White, Esq.
Civil Division
Department of Justice
Washington, D.C. 20530

RE: Hobson v. Wilson

Dear Mr. White:

Enclosed please find copies of original time slips for Daniel Schember, J.E. McNeil, Kathryn Marks, James Klimaski, Michael Gaffney, William Anspach, and notes and time sheets for several other attorneys whose names appear on our application for attorneys fees in this case as well as for the law students.

I will send you my time sheets as soon as I have time to copy them.

You are free to give the District of Columbia counsel access to this information.

Sincerely yours,

Anne Pilsbury

Enc.

November 2, 1982

David H. White, Esq.
Civil Division
Department of Justice
Washington, D.C. 20530

RE: Hobson v. Wilson

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Sincerely yours,

Anne Pilsbury

Enc.

Anne Pilsbury
ATTORNEY AT LAW
17 Danforth Street - Norway, Maine 04268

TELEPHONE
207 / 743-5583

CENTER LOVELL
207 / 925-1144

Clerk, Civil Dockets
U.S. District Court
3rd & Constitution Aves. N.W.
Washington, D.C. 20001

Date: November 2, 1982

RE: Hobson v. Wilson

DOCKET NO. Civ. Act. No. 76-1326

DEAR CLERK:

Enclosed for filing please find the following court pleading:

Plaintiffs' Motion for Protective Order and Memorandum and Order and Plaintiffs' Answers and Objections to Interrogatories from Federal Defendants.

Also enclosed is the necessary filing fee in the amount of _____

Thank you.

ANNE PILSBURY, Esq.

Enc.
Copy to:

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,	)	
	)	
Plaintiffs	)	
	)	
v.	)	Civil Action No. 76-1326
	)	
JERRY WILSON, et al.,	)	
	)	
Defendants	)	

PLAINTIFFS' MOTION FOR
A PROTECTIVE ORDER

The plaintiffs hereby move the Court pursuant to Fed. R. Civ. P. 26 (c) for a protective order stating that plaintiffs are not required to respond further to the interrogatories submitted by the federal defendants on the issue of attorneys fees.

As grounds for their motion, the plaintiffs refer to their accompanying memorandum of points and authorities.

Anne Pilsbury
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Herb Semmel
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(202) 265-9500

OF COUNSEL:

Arthur Spitzer
American Civil Liberties
301 Pennsylvania Ave., S.E.
Washington, D.C.
20003

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,	)	
	)	
Plaintiffs	)	
	)	
v.	)	Civil Action No. 76-1326
	)	
JERRY WILSON, et al.,	)	
	)	
Defendants	)	

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF PLAINTIFFS' MOTION FOR
A PROTECTIVE ORDER

The plaintiffs seek a protective order under Fed.R.Civ.P.26(c) against any further discovery on the issue of attorneys' fees on the grounds that the defendants' interrogatories are too late, are unduly burdensome, and at least in part appear to be designed primarily to annoy and harass rather than to seek any relevant information. Despite this, plaintiffs simply as a gesture of good will and in the hope of curtailing further litigation on the issue of attorneys' fees have answered the majority of interrogatories submitted. This motion, which is being filed contemporaneously with the answers and objections to the interrogatories, addresses only those few questions or parts of questions to which objections were filed.

I

PLAINTIFFS OBJECT TO THE FBI DEFENDANTS'
INTERROGATORIES ON ATTORNEYS' FEES ON THE
GROUND THAT THEY WERE FILED TOO LATE

Plaintiffs filed their original application for attorneys' fees under Civil Rights Attorneys' Fees Awards Act of 1976, 42 U.S.C. §1988, on January 4, 1981. That original application contained time records listing work performed by date for every attorney seeking fees. The defendants both federal and District of Columbia, responded to that application after requesting and receiving two extensions with only the most general objections, arguing for example that the plaintiffs were not entitled to fees at all because they were not prevailing parties.

On March 14, 1982, the Court ordered that it would address the issue of fees in two stages: first it would decide if fees should be awarded and in what amount and then it would determine how fees should be apportioned among the defendants.

On July 27, 1982, the Court directed the plaintiffs to resubmit a detailed fees application taking into account certain new rules set forth by the Court of Appeals for §1988 attorneys fees cases. See eg. National Association of Concerned Veterans v. Secy. of Defense, 675 F. 2d 1319 (D.C. Cir. 1982). The plaintiffs did so on September 1, 1982. The defendants had until September 17, 1982, to respond to the revised fees application. Both federal and D.C. defendants requested extensions of time. The Court awarded the D.C. defendants an extension until September 27, 1982, and the federal defendants until September 28, 1982.

The District defendants filed their final opposition to fees but the federal defendants did not seeking still yet another extension -- this one until October 4, 1982. Although the Court did not grant this last extension, the federal defendants filed their opposition on October 8, 1982. With it they submitted over thirty detailed interrogatories which, for the first time in the nine months the attorneys fees issue has been before the Court, call for vouchers, time slips, telephone bills and other assorted raw documentation as well as raising a myriad of questions about how the detailed time sheets attached to the original January 4, 1982, submission were developed.

The plaintiffs have no objection to responding to ligitimate and focused questions about how the attorneys on this case spent their time but they object strongly to the federal defendants' attempt to begin extensive discovery at the twelth hour.

This circuit's recent decision on attorneys fees, National Assoc. of Concerned Veterans v. Secy. of Defense, 675 F. 2d 1319 (D.C. Cir. 1982) governs. In that case, the Court of Appeals instructed that "contests over fees should not be permitted to evolve into exhaustive trial-type proceedings." Id. at 1324. Where the fees application is adequately documented, and defendants have made no claim here that there is not adequate documentation, the District Court has authority to deny any discovery requests that are not "sharply focused" and "promptly advanced before final opposition papers are filed." The plaintiffs are "entitled to have discovery demands in clear outline at an early stage after the fee application is filed." Id. at 1329. That was clearly not done in this case where the federal defendants waited nine months before making their discovery requests.

Despite the lateness of the defendants' requests for discovery, the plaintiffs have responded to them where the information sought was arguably relevant and where counsel could do so without having to spend an unreasonable amount of time. Concerned Veterans instructs that opposing parties are entitled "as a matter of right" to the justification behind the claimed billing rate and the extent of work done by counsel seeking fees. "Hourly time charges" should be made available "automatically". Id. at 1329.

While it is the plaintiffs' position that this admonition is met by providing, as was done here, detailed time sheets for each counsel as well as supporting affidavits on billing rates, in the interests of avoiding any further delay in reaching the merits of the fees issues, the plaintiffs have voluntarily supplied counsel for the federal defendants with a copy of all their original time sheets. He is free to copy it and supply it to the D.C. defendants. Plaintiffs object, however, to any formal discovery seeking back-up documentation for the already detailed time records in their application at least absent a showing that there is some irregularity or serious question about the time shown.

II

OBJECTIONS TO SPECIFIC INTERROGATORIES ON ADDITIONAL GROUNDS OF RELEVANCY OR UNDUE BURDEN

In addition to being late and overbroad, the federal defendants' discovery requests are additionally objectionable on the grounds of relevancy and undue burden as discussed below.

QUESTION ONE: Defendants seek the original time slips, calenders or personal notes from each attorney seeking fees. Since the basis for the time claimed has been clearly documented in the application by noting a date, time and activity minute by minute for every hour, this request for raw material is unduly burdensome especially in view of the fact there has been no showing of any need to go behind the information already on file as part of the fees application.

QUESTION ELEVEN: Again, defendants seek raw back-up material without showing any need for it. Plaintiffs submit that the activity of law students in handling the technical and logistical aspects of court-ordered tape recorded depositions is compensable as attorney and law student time and hence the defendants' requests to separate out such time as "administrative tasks"

is irrelevant since it is compensable even if "administrative". Many of the tasks performed by lawyers and law students working on a case could be called "administrative" but they are necessary to case management. In addition to being irrelevant, the question seeks information already provided in as much detail as plaintiffs have in the law students' time records already filed in this application.

QUESTION TWELVE AND QUESTION THIRTEEN: The defendants ask which attorneys reviewed the fee application and does not appear in any respect relevant to the issue of whether or how much plaintiffs counsel should be paid. Instead the question again goes behind the affidavits already on file and in effect challanges their bona fides. Who talked to whom in preparing the plaintiffs' fee applications is quite simply irrelevant.

QUESTIONS ONE, TWO, THREE ON DAVID REIN: The defendants ask who is administering the estate of David Rein and what arrangements have been made to pay his estate. This issue, which concerns the private affairs of Mrs. Selma Rein, Mr. Rein's widow, his law partners and the plaintiffs is not a proper or relevant subject for discovery by an adverse party, absent some suggestion that Mr. Rein's surviving co-counsel were apt to abscond with his share of attorneys fees.

QUESTION FIVE ON LAW STUDENTS: The defendants seek the current address of each law student who worked on this case. Absent a showing of a need to take discovery from these students, there is no conceivable reason why defendants need the students' addresses and the plaintiffs therefore object on the grounds of relevancy.

QUESTION FIVE (4) ON JURY PROJECT: This question seeks the contents of a study of attitudes the Jury Project conducted. The actual contents of the study cannot be relevant to the issue of whether the defendants should pay for this service. The Project, as explained in the answers to question 5, was a service the plaintiffs paid for to help them in picking a jury. Whether it was worth the money or not is beside the point as long as it seemed a reasonable expense at the time. In the opinion of plaintiffs' counsel, it was helpful to have the advice of persons experienced in predicting attitudes towards civil liberties issues on the basis of characteristics such as age, race, sex, employment and this was what the study did.

Further, the plaintiffs object to producing the study itself on the basis that this study, used by counsel in picking jurors, is attorney work-product and therefore privileged.

CONCLUSION

Based on the foregoing reasons, the plaintiffs ask the Court to enter a protective order against any discovery beyond that already given defendants' interrogatories filed herewith.

OF COUNSEL:

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Washington, D.C.

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(207) 743-5583

Herb Semmel (AW)
Herb Semmel
Urban Law Institute of the
Antioch School of Law
1626 Crescent Pl. N.W.
Washington, D.C. 20009
(202) 265-9500

CERTIFICATE OF SERVICE

I hereby certify that I have mailed this 2nd day of November, 1982 a copy of the foregoing PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER, ORDER and MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT to David H. White, Esq., Civil Division, Dept. of Justice, 10th & Penna. Ave. N.W. , Washington, D.C. 20530 and to Roberta L. Gross, Esq., Office of Corporation Counsel, District Building, 14th & E Sts. N.W., Washington, D.C. 20004.

ANNE PILSBURY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,	)	
	)	
Plaintiffs	)	
	)	
v.	)	Civil Action No. 76-1326
	)	
JERRY WILSON, et al.,	)	
	)	
Defendants	)	

ORDER

Upon consideration of the plaintiffs' motion for a protective order and the defendants' opposition thereto, it is this day of , 1982, hereby ordered that:

1. Plaintiffs' motion is granted and
2. There shall be no further discovery on the issue of plaintiffs' attorneys fees without a specific order of the Court.

_____

JUDGE U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,	)	
	)	
Plaintiffs	)	
	)	
	)	
v.	)	Civil Action No. 76-1326
	)	
JERRY WILSON, et al.,	)	
	)	
Defendants	)	
	)	
	)	

PLAINTIFFS' ANSWERS AND OBJECTIONS TO
FEDERAL DEFENDANTS' REQUESTS FOR
PRODUCTION OF DOCUMENTS AND INTERROGATORIES

Plaintiffs, through counsel, respond as follows pursuant to Fed.R.Civ.P.26(c), 33, and 34 to the interrogatories and requests for production of documents submitted by the federal defendants:

I. General Discovery

QUESTION 1. Please produce all time records of each person whose work is included in the application for attorney fees. For each person for whom no contemporaneous time records exist, please describe in detail the information upon which the time claimed in the application is based, including the names of each person consulted, and produce all records or papers supporting the statement of time claimed in the application.

RESPONSE: The plaintiffs will voluntarily make available to counsel for the FBI defendants copies of all time slips or other notations that are available. The plaintiffs do not have original time slips for the late David Rein or for Ralph Temple.

The plaintiffs OBJECT to answering further on the grounds stated in their motion for a protective order and on the additional ground that to copy for filing purposes all the time slips involved here would be unduly burdensome.

QUESTION 2. For each person for whom fees are sought in the attorney fee application please state

(a) whether such person was paid for the work listed in the application and, if so, the amount of the payment;

(b) whether, with regard to each person to whom no payment has been made, any arrangement or agreement has been entered into for payment from any award of attorney fees and, if so, the terms of such arrangement or agreement.

RESPONSE: None of the attorneys or law students who worked on this case has received any payment. The only agreement in regard to payment is that an application for payment will be made to the Court under the Civil Rights Attorneys fees Awards Act, 42 U.S.C.§1988,

and each attorney or law student will receive whatever fees the Court awards him or her, (with the exception of the Antioch Law School students. See response to Question No. 3, Part IV).

QUESTION 3. If there is any person for whom attorney fees are sought but has not been paid and who has not entered into an agreement or arrangement for payment from any award of attorney fees, please state:

(a) the name and address of each such person;

(b) the manner in which, and the person to whom, any award of fees based on such persons work will be distributed;

(c) the name and address of the persons who were or will be involved in determining how and to whom any award of attorney fees will be distributed.

RESPONSE: Not applicable.

QUESTION 4. Please state whether attorneys Schember, McNeil, and Pilsbury excluded from their application for attorney fees the time spent on behalf of plaintiffs Julius Hobson, Emergency Committee on the Transportation Crisis, or Washington Area Women Strike for Peace. If so, with respect to each attorney, please set forth the date, activity, and time spent that was not included in the application for attorney fees.

RESPONSE: No time was deducted for work done on behalf of plaintiffs Julius Hobson and Emergency Committee on the Transportation Crisis because: a) such time was inseparable from time spent on the other plaintiffs as for eg. in submitting interrogatories on behalf of all plaintiffs; b) review of FBI files on ECTC and Julius Hobson was of material help in presenting the case of plaintiffs Tina Hobson, Sammie Abbott and Reginald Booker; and c) the amount of time spent on ECTC or Julius Hobson's cases alone would to the best of counsels' belief be de minimus.

All time spent on preparation of the case of Women Strike for Peace that was separable from the cases of the other plaintiffs was deducted. A list of work done on behalf of plaintiff WSP by attorneys Schember, Mc Neil and Pilsbury which was either not included in the

original submission for fees or deducted in the final submission follows:

ATTORNEY	DATE	ACTIVITY	TIME
Schember	11/18/80	TC w/Villastrego	.2
	6/18/79	Draft memo	.3
	5/23/79	TC re: proof of existence	.2
	2/22/79	Prepare WSP interrogatories	1.5
	2/9/79	TC Villastrego re: interrog.	.2
	12/19/78	Prepare Villastrego deposition	1.5
	12/14/78	Arrange deposition	.2
	11/16/78	letter to Hoffman re: WSP files	.2
	11/14/78	Review WSP FBI files	2.2
	12/1/81	Trial	1.1
McNeil	7/13/81	Discovery conf. re: WSP	1.3
	11/28/81	Prepare witnesses	2.0
	11/29/81	Prepare for trial	4.0
	12/1/81	Trial	2.0
Pilsbury	12/1/81	Trial	1.1

QUESTION 5. Please state whether attorneys Schember, McNeil, and Pilsbury excluded from their application for attorney fees the time spent in prosecuting this civil action against

(a) William C. Sullivan
(b) John R. Palmer
(c) Forrest F. Burgess
(d) William G. Courtney
(e) Nick Stames
(f) John McDermott
(g) C. Edwin Glass
(h) Wilfred Schlarman
(i) Robert Kunkel
(j) Terry O'Connor
(k) Charles Sawyer
(l) Robert Yates
(m) Robert Feuer
(n) David Rarity
(o) Peter Gulotta, Jr.
(p) Joseph Heller
(q) Hilmer Krebs
(r) Paul Lamberth
(s) Robert Olmert
(t) Edward Rudiger
(u) John Stanley
(v) Edwin Waite
(w) Clarence Kelley
(x) John B. Layton
(y) Robert L. Zink
(z) Albert W. Ferguson
(aa) Theodore R. Zanders
(bb) Dixie Gildon
(cc) Carl Shoffler
(dd) James Binstead
(ee) Dorie Binstead
(ff) Thomas Fulcher
(gg) Roger O. Day
(hh) Harold Bynum
(ii) Ann Kolego Markovich

If so, please state with respect to each attorney the date, activity, and time spent which was not included in the application for attorney fees.

RESPONSE: No.

QUESTION 6. Please state whether attorneys Schember, McNeil, and Pilsbury excluded from their application for attorney fees the time spent by each of them in connection with (a) the formal claims of state secret and informant privilege by the Secretary of the Army, the Director of Central Intelligence, and the Attorney General; (b) plaintiffs' motions to compel answers to the Second and Fourth sets of Interrogatories; and (c) plaintiffs' motion filed on April 30, 1980, to amend the complaint. If so, please state with respect to each attorney the date, activity, and time spent which was not included in the application for attorneys fees.

RESPONSE: No.

QUESTION 7. Please state whether the time spent by each attorney and law student, other than attorneys Schember, McNeil, and Pilsbury, on behalf of plaintiff Julius Hobson, Emergency Committee on the Transportation Crisis, or Washington Area Women Strike for Peace has been excluded from the application for attorneys fees. If so, please state with respect to each attorney and law student the date, activity, and time spent that was not included in the application for attorney fees.

RESPONSE: Yes as to Women Strike for Peace; no as to other parties. A list of work done by other attorneys which is not included in the fees application follows:

Kathryn Marks

3/1/78	Prep. materials for WSP	.4
5/13/78	Review WSP FBI file	54.5
6/13/78		
6/14/78	Review remainder WSP file	1.0
6/14/78	Draft WSP memo	1.5
6/22/78	TC w/Edith Villastrego	.1
6/27/78	TC w/Edith Villastrego	.2
7/10/78	TC w/WSP member re: files	.2
7/12/78	TC w/WSP member re: files	.1
7/17/78	TC w/Edith Villastrego	.1
9/11/78	Review WSP file	1.5

9/19/78	Review & draft report on WSP file	3.0
9/20/78	Draft WSP report	1.0
9/21/78	" " "	5.5
9/26/78	Conf. re: WSP	.2
10/9/78	Research/Draft WSP memo	7.0
10/10/78	Memo on WSP Deletions in file	6.5
10/12/78	Research/Draft WSP report	11.5
10/13/78	Correct WSP report	.5
11/2/78	Other WSP files	.3
12/1/78	TC w/Villastrego	.1
12/2/78	Review WSP rep. sample	2.5
12/4/78	Conf. w/Villastrego re: other files	2.0
12/7/78	TC w/Villastrego re: deposition	.3
12/13/78	Conf. w/WSP staff re: file	.1
12/19/78	Conf. w/WSP re: deposition	3.5
12/28/78	Conf. w/Villastrego & Bich	.1
12/29/78	TC re: deposition	.1
1/2/79	TC re: deposition	.1
1/3/79	Attempt to reach Bich	.1
1/4/79	TC w/Bich	.1
1/4/79	TC re: Villastrego depo.	.1
1/5/79	Conf. w/Bich re: looking at files	2.0
1/8/79	Mtg. w/co-counsel on WSP	.2
1/8/79	Conf. w/staff re: status of work	.1
1/8/79	TC w/Newell	.2
1/8/79	Reeverts affidavit	.2
1/10/79	Review of WSP files	2.5
1/15/79	Re: WSP affidavit	.3
1/18/79	" " "	.1
2/8/79	Try to find CIA material on WSP	.1
12/18/80	Conf. w/Swerdlow re: WSP	.3
11/18/81	Final review for charts	.5
		3.5

James Klimaski

12/7/77	Review WSP files	4.0
12/15/77	"	3.0
12/18/77	"	3.0
1/11/78	"	4.0
1/16/78	"	4.0

QUESTION 8. Please state whether the time spent by each attorney and law student, other than attorneys Schember, McNeil, and Pilsbury, in prosecuting the action as against each of the 35 defendants listed in interrogatory no. 5, supra, has been excluded from the application for attorney fees. If so, please state with respect to each attorney and law student the date, activity, and time spent that was not included in the application for attorneys fees.

RESPONSE: No.

QUESTION 9. Please state whether unproductive time, as that term is used by attorney Daniel Schember in his declaration of August 26, 1982, has been excluded from the application for attorney fees. If so, please state with respect to each attorney the date, activity, and time spent that was not included in the application for attorney fees.

RESPONSE: Yes. Since only productive time is recorded on time records, no record is made when time is unproductive and counsel is unable to recall the dates on which such time was spent.

QUESTION 10. Please state whether the application for attorney fees excludes "duplicative time," such as the time expended in briefing counsel who assisted in preparation of papers or review of papers while principal counsel were otherwise occupied or the time of additional counsel and law students at depositions, hearings, interviews, meetings, or trial. If so, please state with respect to each attorney and law student the date, activity, and time that was not included in the application for attorney fees.

RESPONSE: Such time was included only when in the judgment of counsel it was necessary to have more than one person involved in the activity at issue. Generally, counsel in this case did different things. Each time a new attorney began to work on the case, he or she had to be briefed about the case or issue he was to work on and would have to become familar with a portion of the pleadings. Based on counsels' information and belief, such "briefing sessions" constitute no more than fifteen hours over the whole life of the lawsuit and were necessary. Counsel cannot recall dates, activities and times that were not included because they were duplicative.

QUESTION 11. (a) Please state whether the application for attorneys fees excludes time spent by attorneys and law students that did not involve the rendition of professional legal services, such as proofreading deposition transcripts, recording duplicate tapes, setting up chairs, tables, and equipment for depositions, discussions with newspaper reporters, carrying documents to the clerk's office, indexing depositions, organizing files, and other administrative tasks.

(b) Please state whether such time as spent in the above described activities was included within the application for attorney fees. If so, please state with respect to each attorney and law student the date, activity and time spent that was so included in the aplication.

RESPONSE: Time spent on "administrative tasks" as described in Question 11 was included where such tasks had to be performed by attorneys or law students.

OBJECTION: Plaintiffs object to setting forth such time by date, activity and time on the ground that this information is already set forth in the attorney and law student time sheets attached to the original application and to require counsel to recapitulate this information is unduly burdensome and irrelevant.

QUESTION 12. Please state the name of each attorney and law student who did not examine the application made in his or her behalf prior to January 4, 1982, and state the reasons for each that such examination did not occur.

RESPONSE: The application filed on January 4, 1982, was based directly on time records and letters from the attorneys and law students involved; hence, each person knew what his/her submission was (with the obvious exception of the late David Rein). To the extent the question is directed at the finished pleading itself, plaintiffs OBJECT on the grounds that it is irrelevant to any issue before the Court.

QUESTION 13. Please state the name of each attorney and law student who did not examine the application made in his or her behalf between January 4 and September 3, 1982, and state the reasons for each that such examination did not occur.

RESPONSE: The changes made in the application between January 4, 1982, and September 3, 1982, were made in consultation with plaintiffs' counsel, Anne Pilsbury, Herb Semmel and Daniel Schember. Mr. Schember reviewed the application on behalf of all members of his firm and Mr. Simmel reviewed it for Antioch Law School.

OBJECT: To the extent the question calls for any further response, plaintiffs object on the grounds of irrelevancy.

II. David Rein

QUESTION 1. Please state the name and address of the executor or administrator of David Rein's estate.

QUESTION 2. Please state whether any arrangements and agreements have been made with Mr. Rein's estate, heirs, survivors, former law partners, or anyone else, regarding the distribution of any attorneys fees recovered in this action on behalf of Mr. Rein, and, if so, describe those arrangements and agreements and state the names of those persons involved in making such arrangements and agreements.

QUESTION 3. If not included within the response to interrogatory no. 2, please state to whom the attorney fees recovered on Mr. Rein's behalf will be distributed, and in what proportion or amount the distribution will be made.

OBJECTION: Plaintiffs object to all three questions relating to Attorney David Rein on the grounds that they are irrelevant to any issue before the Court.

III. Ralph Temple

QUESTION 1. Please describe the nature of Ralph Temple's activities with regard to the prosecution of this action.

RESPONSE: Mr. Temple was originally contacted by Tina and Julius Hobson to initiate this action. He and Mr. Rein worked together in determining whether grounds for suit existed for the Hobsons and subsequently the other plaintiffs. Mr. Temple participated actively in the initial planning and drafting of pleadings. As the case went on, he served as a major resource because of his vast experience in civil rights litigation. He reviewed major pleadings and participated in most if not all major strategy sessions.

QUESTION 2. Please describe all agreements or arrangements between Ralph Temple and plaintiffs or their counsel regarding payment for his services including any agreements as to whether payment would depend on plaintiffs' success or failure in this action.

RESPONSE: The agreement vis a vis Mr. Temple is the same as for all counsel: no fee will be charged and none received except insofar as the Court awards fees under 42 U.S.C. §1988. The award of fees obviously depends on the success of the action, as it does for all counsel.

QUESTION 3. Please state whether Mr. Temple was consulted with respect to the averments made by J.E. McNeil in her declaration of January 4, 1982, and, if so, when such consultation occurred, who participated, and whether any agreements were made as to the rate and hours that would be claimed and the amount that would be paid to Mr. Temple if attorney fees were recovered.

RESPONSE: Yes, he was consulted by J.E. McNeil by telephone while the original application was being prepared and he authorized her to list his time at the rate requested.

QUESTION 4. Please provide all notes, correspondence, and other documents upon which the calculation of hours and fees for Mr. Temple is based.

RESPONSE: No such documents exist.

IV. Law Students

QUESTION 1. Please state whether the law students for whom fees were claimed paid tuition to participate in the clinical program and whether they received academic credit for the work done on this civil action.

RESPONSE: The law students paid tuition to attend Antioch Law School of which the clinical program is a part. They received academic

credit for their work in the clinical program and work on this case was a part of their clinical program.

QUESTION 2. Please state whether they have received payment for any portion of the time spent on this civil action and, if so, the rate per hour and total payment to each law student.

RESPONSE: No.

QUESTION 3. Please state whether each law student was advised that attorney fees would be sought for the time spent on this civil action, and whether any agreements were made as to the amounts or rates of fees which each law student would receive if attorneys fees were recovered. Please describe each such agreement in detail.

RESPONSE: Students are told that if fees are awarded for their work, the fees will go to Antioch Law School. Counsel have no recollection as to whether each student who worked on this case was personally told fees would be sought but on information and belief believe that since the students are generally familar with the Civil Rights Fees Awards Act, that they knew fees would be sought.

QUESTION 4. If not included in the preceding responses, please state to whom and in what amounts the attorney fees recovered on behalf of the law students will be distributed.

RESPONSE: See above response to Question 3.

QUESTION 5. Please state the present address of each law student.

RESPONSE: OBJECTION. Irrelevant.

V. Claims for Expenses

QUESTION 1. With respect to the claims for "Attorney Travel," please provide all documents pertaining to travel expenses, including receipts, time records, ticket stubs, and any other documents upon which the claim is based. In addition, please state:

(a) the date and time of travel;

(b) itemization of expenses included in the claim, including transportation, lodging, meals, and other expenses;

(c) the purpose of travel, including identity of each plaintiff and defendant affected by the purpose for travel.

RESPONSE:

(a) September 16 - 19, 1982: Pilsbury trip to Nova Scotia. May 20, 1981, and May 30, 1981: Pilsbury trip to D.C. for depositions.

(b) No meals or lodging or other expenses are included except for two overnight motel room charges on the trip to Nova Scotia: one for $25.00 and one for $23.00.

(c) Nova Scotia trip: to interview former FBI agent Robert Wall, obtain an affidavit for use to defend against defendants' motions for judgment on the pleadings or summary judgment and to try to persuade Wall to testify at the trial.

Washington, D.C. trip: to take depositions of certain D.C. defendants or parties.

QUESTION 2. (a) With respect to the investigator expenses please state:

(1) the name of each investigator

(2) the qualifications of the investigator, including licenses, education, training, and experience, to carry out the investigative functions;

(3) whether each investigator has received payment for services claimed in the application and, if so, the amount paid;

(4) whether the amount claimed in the pending application is greater than the amount paid to the investigator and, if so, how the difference will be distributed.

RESPONSE: (a) (1) Brint Dillingham

(2) Mr. Dillingham is a licensed private investigator working in Maryland and Washington, D.C. OBJECT to the balance of the question on the grounds of relevancy.

(3) Yes: $3,216.25.

(4) No.

QUESTION (b) With respect to the investigator expenses, please provide:

(1) the time records kept by each investigator;

(2) the bills, vouchers, or other documents requesting payment, and the documents indicating that payment was made;

(3) the agreement between each investigator and plaintiffs or their counsel regarding duties, assignments, fees, reimbursement, and method of payment. If there is no written agreement, please describe in detail the oral agreement or arrangement.

RESPONSE: (b) (1) See attached.

(2) See attached.

(3) The investigator was paid as he worked at an orally agreed on fee of $25.00/hour. His duties were as assigned by counsel and generally included interviewing potential witnesses, following up leads, trying to locate missing witnesses, serving subpoenas.

QUESTION 3. With respect to the claim for $50.00 to "Reimburse Travel," please provide all documents pertaining to the travel expenses, including receipts, time records, ticket stubs, and any other documents upon which the claim is based, In addition, please state:

(a) the identity of each traveler;

(b) date, time and place of travel;

(c) purpose of travel, including name of each plaintiff and defendant affected by that purpose.

RESPONSE: See attached handwritten voucher from Brint Dillingham. See plaintiffs' bill of costs for a list of persons subpoenaed. This item was for travel costs to serve trial subpoenas and thus affected all parties.

QUESTION 4. With respect to the claim for $130.00 to "Reimburse Long Distance Phone," please provide all telephone bills and other documentation upon which the claim is based. In addition, please state:

(a) the names of the parties to each conversation;

(b) date and time of each call, if not reflected in documents provided;

(c) the purpose of each conversation, including the name of each plaintiff and defendant affected by that purpose.

RESPONSE: The information is documented in the bills from Brint Dillingham supplied in answer to Interrogatory 2 (b) above. Plaintiffs OBJECT to responding further on the grounds of relevancy and undue burden.

QUESTION 5. (a) With respect to the Jury Project Consultation, please provide:

(1) All time records of Rick Seltzer and Margie Fargo;

(2) the protocol for any research or study, or, if not written, please describe the protocol in detail;

(3) all agreements between Seltzer and Fargo and plaintiffs or their counsel regarding duties, fees, and method of payment, or, if not written, please describe in detail the oral agreement or arrangement;

(4) all reports or results of the jury probject provided to plaintiff or their counsel, or, if not written, please describe any oral report or results in detail.

RESPONSE: (1) The only documentation available to plaintiffs is that accompanying the jury projects' bill which is attached.

(2) The plaintiffs do not have the written protocol but on information and belief understand the study to have been of a randomly selected cross-section of Washington, D.C. residents.

(3) The project had in the last year or two done a survey of attitudes of Washington, D.C. residents on civil liberties issues and Seltzer and Fargo made that information available to counsel and discussed it with them. They also agreed to help with the actual selection of the jury and did so. It was agreed that they would bill at their normal hourly rate for this service.

(4) OBJECT on the grounds of relevancy and also that the response calls for attorney work-product.

QUESTION (b) With respect to the Jury Work Project Consultation, please state:

(1) whether Seltzer, Fargo, or anyone else interviewed citizens or residents of the District of Columbia and, if so, the nature of the questions asked;

(2) a complete description of what the interviewers disclosed to the interviewees regarding the case of Julius Hobson, et al. v. Jerry Wilson, et al., and whether any attempt was made not to interview potential or actual jurors or the friends, neighbors, and relatives of potential or actual jurors;

(3) the method by which the persons to be interviewed were selected;

(4) the dates on which the interviews occurred;

(5) whether the information obtained was published or submitted to any publication to be published, the name of the publication, and whether any payment was offered or received for publishing the information.

RESPONSE: (5) (1) Yes, in a general study to determine correlation between such things as age, sex, race, income and attitudes toward civil liberties issues (eg. death penalty, freedom of speech for communists, etc.). OBJECT to answering further on the grounds that the answer calls for attorney work product and is not relevant to the issue before the Court.

(2) Nothing. No attempt was made to interview potential or actual jurors or associates thereof. The study was done long before trial.

(3) Random selection.

(4) Between February 23, 1981 and March 9, 1981.

(5) The study has been submitted for publication but has not been accepted. No fee for publication has been received.

STATE OF MAINE
OXFORD, SS.

I have read the forgoing answers to the interrogatories and they are true and correct to the best of my knowledge and belief.

NOTARY PUBLIC

ANNE PILSBURY

OF COUNSEL:

My commission expires 6/25/85

Arthur Spitzer
American Civil Liberties
Union Fund
301 Pennsylvania Ave., S.E.
Washington, D.C.

Anne Pilsbury
17 Danforth Street
Norway, Maine 04268
(207) 743-5583

Herb Semmel
Urban Law Institute of the
Antioch School of Law
1626 Crescent Pl. N.W.
Washington, D.C. 20009
(202) 265-9500

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a copy of the foregoing PLAINTIFFS' ANSWERS AND OBJECTIONS TO FEDERAL DEFENDANTS' REQUESTS FOR PRODUCTION OF DOCUMENTS AND INTERROGATORIES to David H. White, Esq., Dept. of Justice, 10th & Penna. Ave. N.W., Wash. D.C. 20530 and to Roberta L. Gross, Esq., Asst. Corporation Counsel, District Bldg., Washington, D.C. 20004 this 2nd day of November, 1982.

Anne Pilsbury

Anne Pilsbury
ATTORNEY AT LAW
17 Danforth Street - Norway, Maine 04268

TELEPHONE
207 / 743-5583

CENTER LOVELL
207 / 925-1144

September 29, 1981

Daniel Schember, Esq.
1712 N. St. N.W.
Washington, D.C. 20036

Dear Dan:

Enclosed is a list of my major out-of-pocket expenses for the trip to Nova Scotia. I have included nothing for the gas to drive from one end of Nova Scotia to the other (and back) for a total of 900 miles. If I could just be repaid this amount, I will be delighted.

The reason the ferry fare is not the same both ways is that one is an overnight which I had to take in order to arrive early enough to see Wale the next day. Coming back I took the day ferry which lands you at Bar Harbor and means more driving time within Maine.

Sincerely yours,

Anne Pilsbury

AP:lp

Enc:

Civ. No. 76-1326
Attachment
Part V., Question I

ANNE PILSBURY
ATTORNEY AT LAW
17 DANFORTH STREET
NORWAY, MAINE 04268
(207) 743-5583

September 29, 1981

TO: D.C. Committee for the Bill of Rights

FOR: Trip to Nova Scotia from Maine Sept. 16 0 19, 1981

FOR PROFESSIONAL SERVICES RENDERED

Ferry to Yarmouth, N.S.	$ 95.00
Ferry to Bar Harbor, Maine	44.75
Room one night in Sydney	25.00
Room one night in Halifax	23.00
Total Due	$ 187.00

Bills

Bill for Hobson v. Wilson
work from March to present
(7/16/84)
Total worked 23.7 hrs
@ $20.00 per hr = 475.00

Paid in full
BJ

paid 9/8/81
#3365 - 100.00
#3366 35.00

9/8/81
Memo to J.E.
From BD
Re: Horsom in July-Sept.

Abbott 10 hours @ $10.00 per hr = $100.00
(Investigation re: Arbab, Carlson, suspension
Service/Wreckmen; O/C's re: Case in general.

3.5 hrs @ 7.00 per hr = $35.00
Yda for Administrative work.

J. E. 9/25/81

My bill for recent work in Hobson:

Interviews at length w Pollock & Banks
Follow-up Tel. Calls w/ Lewis, Cottum, Pollock
Schaap, C&P-Neubig & Braun, McGhee, Beckett
O'Donnell, Comp. for Pol Cts., review of literature, etc. &
reports to you = 12 hours @ 10.00 per hr = $ 120.00

B.D.

Pd check
#3464
9/25/81

8/1/81

Memo to GASCIM
From CO
Re: Hanson

For Services since last billing
3.75 hrs @ $20.00 per hr = $75.00

pd #3209
8/3/81

Investigation

5/7/81	2917	$300.00	Bert Dillingham	
5/22/81	3079	175.00	"	"
6/3/81	3209 ✓	75.00	"	"
7/8/81	3365 ✓	100.00	"	"
9/25/81	3464 ✓	120.00	"	"
10/15/81	3529 ✓	168.20	"	"
10/22/81	3552 ✓	290.00	"	"
11/21/81	3690 ✓	195.00	"	"
11/ "	3691	112.00	phone	"
12/1/81	3728 ✓	120.00	"	"
"	3729	50.00	local trvl	"
"	3730 ✓	26.00	"	"
12/13/81	3775	100.00	"	"

$1,831.20

1385.05

Lowell

10/15/81
To J. E, Dan & Hobson Suit
From Brent
Re: Hours 10/8 - 10/15

From 10/8 - 10/15 I have spent at least 25 hours on this case. I've given you a 17 page memo covering my activities during this period. At $10.00 per hr, this = $250.00. Of this I would now like 15 hours (= $150.00) worth plus $18.20 for outstanding long distance phone charges (I'll give you more phone charges later). I'd appreciate, if possible getting the other 10 hours worth (= $100.00) sometime in the future if you have it available. The charge for now is:

15 hours @ $10.00 per hr	=	$150.00
phone call reimbursement	=	18.20
TOTAL	=	$168.20

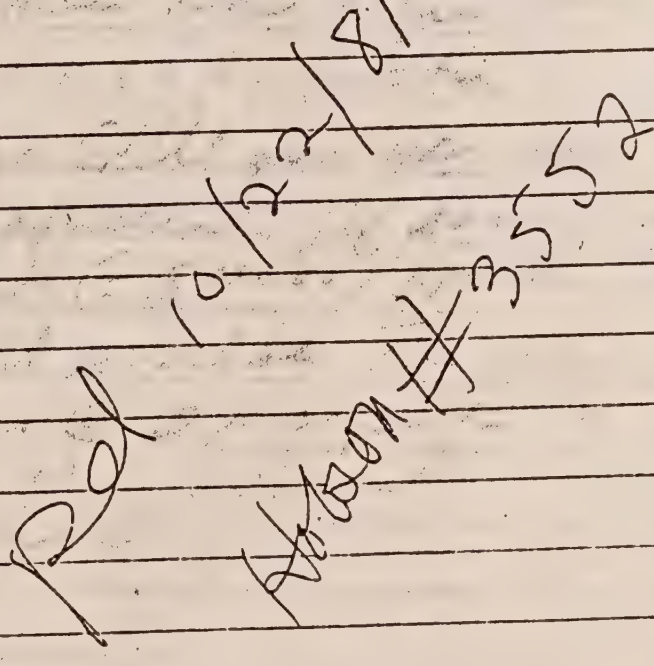
pd ck #259 10/15/81

J. E.

10/22/81

For the 10 hours you owe me on HOBSON from the last billing & for the 19 hours I've spent on the case since then, you owe me (29 hrs @ $10/hr) = $290.00

SD



GAFFNEY, ANSPACH, SCHEMBER
KLIMASKI & MARKS, P.C.
1712 N STREET, NW.
WASHINGTON, D.C. 20036

3552

MADISON NAT'L 3
WASHINGTON, D.C.

10-22-1981

15-125
540 01

PAY TO THE ORDER OF Brint Dillingham OCT 26 1981 $290.00

Two hundred and ninety and no/100 DOLLARS

Madison NATIONAL BANK
WASHINGTON, D.C.

FOR Hobson - investigation

S. E. McNeil

⑈003552⑈ ⑆054001259⑆ ⑈209⑈717⑈6⑈ 89⑈00000290⑈

GAFFNEY, ANSPACH, SCHEMBER
KLIMASKI & MARKS, P.C.
1712 N STREET, NW.
WASHINGTON, D.C. 20036

3690

MADISON NAT'L 3
WASHINGTON, D.C.

11/21/1981

15-125
540 01

PAY TO THE ORDER OF Brint Dillingham DEC -7 1981 $195.00

One hundred and ninety five and no/100 DOLLARS

Madison NATIONAL BANK
WASHINGTON, D.C.

MADISON NAT'L BANK
WASHINGTON, D.C.

FOR Hobson - invest fees

S. E. McNeil

⑈003690⑈ ⑆054001259⑆ ⑈209⑈717⑈6⑈ 89⑈00001950⑈

GAFFNEY, ANSPACH, SCHEMBER
KLIMASKI & MARKS, P.C.
1712 N STREET, NW.
WASHINGTON, D.C. 20036

3775

MADISON NAT'L 3
WASHINGTON, D.C.

12/13/1981

15-125
540 01

PAY TO THE ORDER OF Brint Dillingham DEC 18 1984 $100.00

One hundred and no/100 DOLLARS

DEC 19

Madison NATIONAL BANK
WASHINGTON, D.C.

FOR investigative fees

S. E. McNeil

⑈003775⑈ ⑆054001259⑆ ⑈209⑈717⑈6⑈ 89⑈00001000⑈

GAFFNEY, ANSPACH, SCHEMBER
KLIMASKI & MARKS, P.C.
1712 N STREET, NW.
WASHINGTON, D.C. 20036

3464

9/25/1981 15-125/540

PAY TO THE ORDER OF Brint Dillingham $ 120.00

One hundred and twenty and no/100 DOLLARS

Madison NATIONAL BANK
WASHINGTON, D.C.

FOR Hobson - investigation S. L. McNeil

⑈003464⑈ ⑆054001259⑆ ⑈209⑉717⑉6⑈ ⑈00000120⓪⓪

GAFFNEY, ANSPACH, SCHEMBER
KLIMASKI & MARKS, P.C.
1712 N STREET, NW.
WASHINGTON, D.C. 20036

MADISON NAT'L BANK
WASHINGTON, D.C.

352

10-15 1981 15-125/540

PAY TO THE ORDER OF Brint Dillingham $ 168.30

OCT 26 1981

One Hundred Sixty-Eight and 30/100 DOLLARS

Madison NATIONAL BANK
WASHINGTON, D.C.

FOR Hobson S. L. McNeil

⑈003529⑈ ⑆054001259⑆ ⑈209⑉717⑉6⑈ 89⑈00000168 20

Paid Receipts

GAFFNEY, ANSPACH, SCHEMBER
KLIMASKI & MARKS, P.C.
1712 N STREET, NW.
WASHINGTON, D.C. 20036

2917

MADISON NATIONAL BANK
WASHINGTON, D.C.
11-1
C

May 7 1981

15-125
540

PAY TO THE ORDER OF Brint Dellingham $ 300.00

Three Hundred and no/100 DOLLARS

Madison NATIONAL BANK
WASHINGTON, D. C.

FOR Hobson investigation Judy Mead

PAID MAY 11 1981 MADISON NATL. BANK WASHINGTON, D.C.

⑈002917⑈ ⑆054001259⑆ ⑈209⑈ 89 0000030000

GAFFNEY, ANSPACH, SCHEMBER
KLIMASKI & MARKS, P.C.
1712 N STREET, NW.
WASHINGTON, D.C. 20036

3079

June 22 1981

15-125
540

PAY TO THE ORDER OF Brint Dellingham $ 175.00

One Hundred seventy-five and no/100 DOLLARS

Madison NATIONAL BANK
WASHINGTON, D. C.

FOR investigation - Hobson Judy Mead

⑈003079⑈ ⑆054001259⑆ ⑈209⑈ 0000017500

GAFFNEY, ANSPACH, SCHEMBER
KLIMASKI & MARKS, P.C.
1712 N STREET, NW.
WASHINGTON, D.C. 20036

3209

August 3 1981

15-125
540

PAY TO THE ORDER OF Brint Dillingham $ 75.00

Seventy five and no/100 DOLLARS

Madison NATIONAL BANK
WASHINGTON, D. C.

FOR Hobson - investigation

S. E. McNeil

⑈003209⑈ ⑆054001259⑆ ⑈209⑈717⑈6⑈ 89⑈0000007500⑈

GAFFNEY, ANSPACH, SCHEMBER
KLIMASKI & MARKS, P.C.
1712 N STREET, NW.
WASHINGTON, D.C. 20036

3365

9/8/1981

15-125
540

PAY TO THE ORDER OF Brint Dillingham $ 100.00

One hundred and no/100 DOLLARS

Madison NATIONAL BANK
WASHINGTON, D. C.

FOR Hobson - investigation

S. E. McNeil

⑈003365⑈ ⑆054001259⑆ ⑈209⑈717⑈6⑈ 89⑈0000010000⑈

To J.E.
From B.D.
Re: Expenses 11/28-11/30/81 (Johnson)

Mileage in search + subpoena
of witnesses 11/28-11/30/81 =
285 mi. ~~Reimburse~~ Reimburse me for 250 miles.
250 mi @ .20 per mi = $50.00.

pd

phone 18.20
10/$5

Civ. Act. No. 76-1326
ATTACHMENT TO QUESTION 5
CLAIMS FOR EXPENSES

Richard Seltzer
8130 Old Georgetown Rd
Bethesda, Maryland 20814

December 31, 1981

Gaffney, Anspech, Schember, Klimaski, and Marks
1712 N Street NW
Washington, D.C. 20036

Subject: Bill for jury selection work on Hobson versus Wilson

analysis of survey data, crosstabulations, factor analyses, multiple regression equation, log-linear analyses and preparation of 13 page memorandum - 50 hours x $50 per hour	$2500
in court selection help - 6 hours x $50 per hour	300
total	$2800

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al., Plaintiffs,	)	
v.	)	Civil Action No. 76-1326
JERRY WILSON, et al., Defendants.	)	

INTERROGATORIES AND REQUEST BY FEDERAL DEFENDANTS FOR PRODUCTION OF DOCUMENTS

I. General Discovery

Defendants Charles Brennan, George C. Moore, Courtland Jones, Gerald Grimaldi, and Gerould Pangburn, pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, request that plaintiffs answer the following interrogatories and produce the documents described herein.

1. Please produce all time records of each person whose work is included in the application for attorney fees. For each person for whom no contemporaneous time records exist, please describe in detail the information upon which the time claimed in the application is based, including the names of each person consulted, and produce all records or papers supporting the statement of time claimed in the application.

2. For each person for whom fees are sought in the attorney fee application please state

(a) whether such person was paid for the work listed in the application and, if so, the amount of the payment;

(b) whether, with regard to each person to whom no payment has been made, any arrangement or agreement has been entered into for payment from any award of attorney fees and, if so, the terms of such arrangement or agreement.

3. If there is any person for whom attorney fees are sought but who has not been paid and who has not entered into an agreement or arrangement for payment from any award of attorney fees, please state:

(a) the name and address of each such person;

(b) the manner in which, and the person to whom, any award of fees based on such persons work will be distributed;

(c) the name and address of the persons who were or will be involved in determining how and to whom any award of attorney fees will be distributed.

4. Please state whether attorneys Schember, McNeil, and Pilsbury excluded from their application for attorney fees the time spent on behalf of plaintiffs Julius Hobson, Emergency Committee on the Transportation Crisis, or Washington Area Women Strike for Peace. If so, with respect to each attorney, please set forth the date, activity, and time spent that was not included in the application for attorney fees.

5. Please state whether attorneys Schember, McNeil, and Pilsbury excluded from their application for attorney fees the time spent in prosecuting this civil action against

(a) William C. Sullivan
(b) John R. Palmer
(c) Forrest F. Burgess
(d) William G. Courtney
(e) Nick Stames
(f) John McDermott
(g) C. Edwin Glass
(h) Wilfred Schlarman
(i) Robert Kunkel
(j) Terry O'Connor
(k) Charles Sawyer
(l) Robert Yates
(m) Robert Feuer
(n) David Rarity
(o) Peter Gulotta, Jr.
(p) Joseph Heller
(q) Hilmer Krebs
(r) Paul Lamberth
(s) Robert Olmert
(t) Edward Rudiger
(u) John Stanley
(v) Edwin Waite
(w) Clarence Kelley
(x) John B. Layton
(y) Robert L. Zink
(z) Albert W. Ferguson
(aa) Theodore R. Zanders
(bb) Dixie Gildon
(cc) Carl Shoffler
(dd) James Binstead
(ee) Dorie Binstead
(ff) Thomas Fulcher
(gg) Roger O. Day
(hh) Harold Bynum
(ii) Ann Kolego Markovich

If so, please state with respect to each attorney the date, activity, and time spent which was not included in the application for attorney fees.

6. Please state whether attorneys Schember, McNeil, and Pilsbury excluded from their application for attorney fees the

time spent by each of them in connection with (a) the formal claims of state secret and informant privilege by the Secretary of the Army, the Director of Central Intelligence, and the Attorney General; (b) plaintiffs' motions to compel answers to the Second and Fourth Sets of Interrogatories; and (c) plaintiffs' motion filed on April 30, 1980, to amend the complaint. If so, please state with respect to each attorney the date, activity, and time spent which was not included in the application for attorneys fees.

7. Please state whether the time spent by each attorney and law student, other than attorneys Schember, McNeil, and Pilsbury, on behalf of plaintiff Julius Hobson, Emergency Committee on the Transportation Crisis, or Washington Area Women Strike For Peace has been excluded from the application for attorneys fees. If so, please state with respect to each attorney and law student the date, activity, and time spent that was not included in the application for attorney fees.

8. Please state whether the time spent by each attorney and law student, other than attorneys Schember, McNeil, and Pilsbury, in prosecuting the action as against each of the 35 defendants listed in interrogatory no. 5, supra, has been excluded from the application for attorney fees. If so, please state with respect to each attorney and law student the date, activity, and time spent that was not included in the application for attorneys fees.

9. Please state whether unproductive time, as that term is used by attorney Daniel Schember in his declaration of August 26, 1982, has been excluded from the application for attorney fees. If so, please state with respect to each attorney the date, activity, and time spent that was not included in the application for attorney fees.

10. Please state whether the application for attorney fees excludes "duplicative time," such as the time expended in briefing counsel who assisted in preparation of papers or review of papers while principal counsel were otherwise occupied or the time of additional counsel and law students at depositions, hearings,

interviews, meetings, or trial. If so, please state with respect to each attorney and law student the date, activity, and time spent that was not included in the application for attorney fees.

11. (a) Please state whether the application for attorneys fees excludes time spent by attorneys and law students that did not involve the rendition of professional legal services, such as proofreading deposition transcripts, recording duplicate tapes, setting up chairs, tables, and equipment for depositons, discussions with newspaper reporters, carrying documents to the clerk's office, indexing depositons, organizing files, and other administrative tasks.

(b) Please state whether such time as spent in the above described activities was included within the application for attorney fees. If so, please state with respect to each attorney and law student the date, activity, and time spent that was so included in the application.

12. Please state the name of each attorney and law student who did not examine the application made in his or her behalf prior to January 4, 1982, and state the reasons for each that such examination did not occur.

13. Please state the name of each attorney and law student who did not examine the application made in his or her behalf between January 4 and September 3, 1982, and state the reasons for each that such examination did not occur.

II. David Rein

1. Please state the name and address of the executor or administrator of David Rein's estate.

2. Please state whether any arrangements and agreements have been made with Mr. Rein's estate, heirs, survivors, former law partners, or anyone else, regarding the distribution of any attorneys fees recovered in this action on behalf of Mr. Rein, and, if so, describe those arrangements and agreements and state the names of those persons involved in making such arrangements and agreements.

3. If not included within the response to interrogatory no. 2, please state to whom the attorney fees recovered on Mr. Rein's behalf will be distributed, and in what proportion or amount the distribution will be made.

III. Ralph Temple

1. Please describe the nature of Ralph Temple's activities with regard to the prosecution of this action.

2. Please describe all agreements or arrangements between Ralph Temple and plaintiffs or their counsel regarding payment for his services including any agreements as to whether payment would depend on plaintiffs' success or failure in the action.

3. Please state whether Mr. Temple was consulted with respect to the averments made by J.E. McNeil in her declaration of January 4, 1982, and, if so, when such consultation occurred, who participated, and whether any agreements were made as to the rate and hours that would be claimed and the amount that would be paid to Mr. Temple if attorney fees were recovered.

4. Please provide all notes, correspondence, and other documents upon which the calculation of hours and fees for Mr. Temple is based.

IV. Law Students

1. Please state whether the law students for whom fees are claimed paid tuition to participate in the clinical program and whether they received academic credit for the work done on this civil action.

2. Please state whether they have received payment for any portion of the time spent on this civil action and, if so, the rate per hour and total payment to each law student.

3. Please state whether each law student was advised that attorney fees would be sought for the time spent on this civil action, and whether any agreements were made as to the amounts or rates of fees which each law student would receive if attorneys fees were recovered. Please describe each such agreement in detail.

4. If not included in the preceding responses, please state to whom and in what amounts the attorney fees recovered on behalf of the law students will be distributed.

5. Please state the present address of each law student.

V. Claims for Expenses

1. With respect to the claims for "Attorney Travel," please provide all documents pertaining to travel expenses, including receipts, time records, ticket stubs, and any other documents upon which the claim is based. In addition, please state:

(a) the date and time of travel;

(b) itemization of expenses included in the claim, including transporation, lodging, meals, and other expenses;

(c) the purpose of travel, including identity of each plaintiff and defendant affected by the purpose for travel.

2. (a) With respect to the investigator expenses please state:

(1) the name of each investigator;

(2) the qualifications of the investigator, including licenses, education, training, and experience, to carry out the investigative functions;

(3) whether each investigator has received payment for services claimed in the application and, if so, the amount paid;

(4) whether the amount claimed in the pending application is greater than the amount paid to the investigator and, if so, how the difference will be distributed.

(b) With respect to the investigator expenses, please provide:

(1) the time records kept by each investigator;

(2) the bills, vouchers, or other documents requesting payment, and the documents indicating that payment was made;

(3) the agreement between each investigator and plaintiffs or their counsel regarding duties, assignments, fees, reimbursement, and method of payment. If there is no written agreement, please describe in detail the oral agreement or arrangement.

3. With respect to the claim for $50.00 to "Reimburse Travel," please provide all documents pertaining to the travel expenses, including receipts, time records, ticket stubs, and any other documents upon which the claim is based. In addition, please state:

(a) the identity of each traveler;

(b) date, time, and place of travel;

(c) purpose of travel, including name of each plaintiff and defendant affected by that purpose.

4. With respect to the claim for $130.00 to "Reimburse Long Distance Phone," please provide all telephone bills and other documentation upon which the claim is based. In addition, please state:

(a) the names of the parties to each conversation;

(b) date and time of each call, if not reflected in documents provided;

(c) the purpose of each conversation, including the name of each plaintiff and defendant affected by that purpose.

5. (a) With respect to the Jury Project Consultation, please provide:

(1) all time records of Rick Seltzer and Margie Fargo;

(2) the protocol for any research or study, or, if not written, please describe the protocol in detail;

(3) all agreements between Seltzer and Fargo and plaintiffs or their counsel regarding duties, fees, and method of payment, or, if not written, please describe in detail the oral agreement or arrangement;

(4) all reports or results of the jury project provided to plaintiff or their counsel, or, if not written, please describe any oral report or results in detail.

(b) With respect to the Jury Project Consultation, please state:

(1) whether Seltzer, Fargo, or anyone else interviewed citizens or residents of the District of Columbia and, if so, the nature of the questions asked;

(2) a complete description of what the interviewers disclosed to the interviewees regarding the case of Julius Hobson, et al. v. Jerry Wilson, et al., and whether any attempt was made not to interview potential or actual jurors or the friends, neighbors, and relatives of potential or actual jurors;

(3) the method by which the persons to be interviewed were selected;

(4) the dates on which the interviews occurred; - Feb. 23 - Mar. 9 1981.

(5) whether the information obtained was published or submitted to any publication to be published, the name of the publication, and whether any payment was offered or received for publishing the information.

Respectfully submitted,

NO

J. PAUL McGRATH
Assistant Attorney General